IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R. RAMACHANDRAN NAIR

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

LA. App. No. 382 of 2007

LAR. 50/2000 of ADDL.SUB COURT, NORTH PARAVUR
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APPELLANT/RESPONDENT:

STATE OF KERALA

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

RESPONDENT/CLAIMANT:

SMT. AMMUKUTTY AMMA, D/O. JANAKI AMMA,
PANAVELI PUTHEN VEETTIL, PARAVOOTHARA MURI.

BY ADV. SRI. C. CHANDRASEKHARAN
SRI.P.VISWANATHA MENON

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ.

L.A.A. No. 382 OF 2007

Dated this the 4th day of June, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal against the judgment and decree in L.A.R. No. 50/2000 on the file of Additional Sub Court, North Paravur. It is seen that the relied on judgment (Exhibit A1) in L.A.R. No. 167/1997 has become final in view of the judgment in L.A.A. No. 640/2001. However, as rightly pointed out by the learned Government Pleader, the Reference Court has committed a mistake in granting Section 23(1 A) benefit from the date of Section 4(1) notification to the date of taking possession. Section 4(1) notification was on 22.12.1992. The Award was passed on 20.10.1995. The land was taken possession on 19.12.1995. The Reference Court has granted Section 23(1 A) benefit from 22.12.1992 till 19.12.1995.

2. Since the Award was passed on 20.10.1995, the claimant will be entitled to Section 23 (1 A) benefit only upto the date of Award, being the earlier date. Therefore, the judgment

and decree under appeal are modified. It is declared that the respondent-claimant will be entitled to 12% per annum on the enhanced compensation only from 22.12.1992 till 20.10.1995. The appeal is partly allowed as above. No costs.

KURIAN JOSEPH
JUDGE.

T.R. RAMACHANDRAN NAIR
JUDGE.

smp